

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No.17343 of 2006

Date 15-6-2007

Between:

**The Deputy Inspector General of Police,
Hyderabad Range, Hyderabad and others.**

.....PETITIONERS

AND

**Sub-Inspector of Police,
Moghalpur P.S.,
Hyderabad.**

.....RESPONDENTS

**THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No.17343 of 2006

ORDER: (per Smt. T. Meena Kumari,J)

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This writ petition is filed by the Department seeking a Writ of Certiorari to call for the records relating to and connected with order dated 7.2.2006 in O.A. No. 789 of 2006 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The respondent herein was appointed as Sub-Inspector of Police on 15.7.1991. While so, he was placed under suspension vide proceedings No. 3478, dated 23.10.2004 for exhibiting gross misconduct, dereliction of duty by not complying with the instructions of superior officers and misbehaved with the Deputy Commissioner of Police, Detective Department in an in-disciplined manner. Later, the Commissioner of Police released the suspension orders through proceedings dated 23.1.2004. Thereafter, a Charge Memo was issued to the respondent on 11.3.2005 calling upon him to submit his explanation. The respondent, thereafter, submitted his explanation to the said charge memo. Thereafter, an Enquiry Officer was appointed on 18.8.2005 to conduct enquiry and submit report. Assailing the same, respondent filed O.A. No. 789 of 2006 before the A.P. Administrative Tribunal. The Tribunal, by the order impugned in this writ petition, disposed of the O.A. and directed the Department to conclude the disciplinary proceedings initiated against the respondent vide proceedings dated 11./3.2005 within a period of four weeks from the

date of receipt of a copy of this order. It further directed that if for any reason, the disciplinary proceedings are not concluded within the period stipulated above, the Department shall consider the case of the respondent for promotion to the post of Inspector of Police without reference to the pendency of the disciplinary proceedings initiated against him. Assailing the same, the Department filed the present writ petition.

At this stage, learned counsel appearing on behalf of the respondent submitted that pursuant to the orders of the Tribunal, the Department passed final orders on 19.6.2006 imposing punishment of postponement of increment for a period of one year with effect on future increments and pension. Aggrieved by the said order, he preferred O.A. No. 5915 of 2006 before the A.P. Administrative Tribunal and the same is pending. He further submits that since final orders have been passed by the Department imposing punishment, the writ petition has to be dismissed as having become infructuous.

However, learned Government Pleader appearing on behalf of the department submitted that the respondent filed Contempt Application, namely, C.A. No. 444 of 2006 before the Tribunal seeking implementation of the order of the Tribunal in O.A. No. 789 of 2006, dated 7.2.2006 and the same is still pending. He further submitted that since the respondent has been imposed with the punishment of increment, his promotion also has to be reviewed.

Taking into consideration the fact that final orders have been passed by the disciplinary authority on 19.6.2006 imposing punishment of postponement of increment for a period of one year with effect on future increments and pension and since the said order has become subject matter of O.A. No. 5915 of 2006, it is made clear that the promotion of the respondent also is subject to the result of the said O.A.

With the above directions, the writ petition is disposed of. No costs.

T. MEENA KUMARI,J

DATE: 15th June, 2007

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G. CHANDRAIAH,J